

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	<b>CRIMINAL ACTION</b>
	:	<b>NO. 02-258</b>
<b>v.</b>	:	
	:	<b>CIVIL ACTION</b>
<b>MARK KRAUSS</b>	:	<b>NO. 06-4239</b>

**ORDER**

**AND NOW**, this 11th day of May, 2009, upon consideration of Petitioner's Motion Pursuant to 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence (docket no. 76) and all responses thereto, and for the reasons stated in the accompanying Memorandum, it is **ORDERED** that:

- (1) The Motion is **DENIED**.
- (2) Petitioner's Request for an Evidentiary Hearing is **DENIED**.
- (3) The Clerk of the Court shall mark Civil Action No. 06-4239 **CLOSED**.
- (4) Because there is no probable cause to issue a certificate of appealability, no certificate of appealability shall issue.

**BY THE COURT:**

S/ BRUCE W. KAUFFMAN  
**BRUCE W. KAUFFMAN, J.**